

FINDING OF EMERGENCY
BY THE
CALIFORNIA DEPARTMENT OF FORESTRY (CDF) & FIRE PROTECTION
OFFICE OF THE STATE FIRE MARSHAL (SFM)
TO THE CALIFORNIA CODE OF REGULATIONS, TITLE 24
CALIFORNIA BUILDING CODE (CBC), PART 2
And
THE CALIFORNIA REFERENCED STANDARDS CODE (CRSC), PART 12
REGARDING PHASE II - WILDLAND-URBAN INTERFACE
FIRE AREAS BUILDING STANDARDS

Government Code section 11346.1 mandates that any finding of emergency shall include a written statement which contains the information required by paragraphs (2) to (6), inclusive, of subsection (a) of Section 11346.5 and a description of the specific facts showing the need for immediate action.

FINDING OF EMERGENCY

The following information is evidence that the adoption and repeal of various regulations as proposed by the SFM to the CBC are necessary for the immediate preservation of the public peace, health and safety or general welfare of the public.

Assembly Bill 1216 was approved by the Governor on October 8, 2003 and filed with the Secretary of State on October 9, 2003. This act adds Section 51189 to the Government Code and amends Section 1308.5 of the Health and Safety Code relating to building construction in Wildland-Urban Interface Fire Areas.

BACKGROUND

On September 2, 2003, the California Legislature approved Assembly Bill (AB) 1216, Fire Safety Regulations with 74 ayes and 4 nos.

Support for AB 1216 was as follows:

- ❖ California Fire Chiefs Association
- ❖ California Professional Firefighters
- ❖ California State Firefighters Association, Inc.

- ❖ CDF Firefighters
- ❖ City of Glendale, Fire Prevention Bureau
- ❖ Defenders of Wildlife Environment California
- ❖ Fire Districts Association
- ❖ Personal Insurance Federation
- ❖ Planning and Conservation League
- ❖ Sierra Club

“The Story,” California Fire Siege 2003

One month after the Governor signed Assembly Bill 1216, California was under siege by the most devastating wildland fire disaster in the state’s history. The facts surrounding this disaster are overwhelming somber.

- ➡ 24 people, including one fire fighter were killed
- ➡ 750,043 acres burned
- ➡ 3,710 homes were destroyed

In the aftermath of the fires, the loss of stabilizing vegetation and torrential rain storms created horrendous mudslides during flash floods in an area of San Bernardino County. Sixteen people perished there.

Tom Harbour, US Forest Service statement captures the spirit of these proposed emergency regulations, *"Predict the future by studying the past-look at what happened in 1980, 1993, and 2003."*

The number of homes destroyed and the frequency of these fires are increasing;

- ♦ 584 homes – Berkeley 1923
- ♦ 484 homes – Los Angeles 1961
- ♦ 325 homes – San Bernardino 1980
- ♦ 641 homes – Santa Barbara 1990
- ♦ 3,403 homes – Oakland 1991
- ♦ 400 homes – Laguna Beach 1993
- ♦ 2,232 homes – San Diego (Cedar fire only) 2003¹

¹ *"The Story" page 8, 9 & 72*

Many thousands of homes and other major buildings in California have been destroyed in a unique type of reoccurring conflagration where wildfires spread uncontrolled through rural and suburban developments and into urban environments. These massively destructive fires, called Wildland-Urban Interface (WUI) fires, have persisted throughout the twentieth-century despite attempts to prevent or suppress wildfires and the development of a modern well-organized system of statewide fire protection.²

As important as the magnitude and frequency of losses are, these fires share extreme weather conditions as a common contributing factor that can neither be prevented nor mitigated. "The Story"... concluded, "massive fires in southern California typically coincide with offshore Santa Ana winds."³ These warm, dry, and strong "Foehn winds" known throughout the state as Santa Ana's, North Winds, or Mono Winds result from a Great Basin high pressure system forcing dry desert air over and down the lee side of mountain ranges where it invariably warms as it descends into the valleys below producing critical fire weather conditions.⁴

The significance of this weather pattern's association with interface conflagrations coupled with the inability to stop these fires while the Foehn winds are blowing is the principle basis for immediate action in preserving the safety and welfare of the public.

The next Foehn wind event in California will happen in the next several months. When it happens in an area where fuel moistures are low in close proximity to homes, the stage will be set for the next interface conflagration. In Southern California the distinctive combination of climate, topography, "...and fuel creates conditions favorable to major fires during every month of the year."⁵ It is just a matter of probabilities whether the future fires will be in Southern California or whether past interface fires outside of Calistoga, Redding, Pebble Beach, Paradise, Oakhurst, Inverness, Nevada City, Mill Valley, or Santa Rosa, will predict the location of the next Wildland-Urban Interface conflagration in California.

This siege of 14 major fires was the subject of the report "The Story," California Fire Siege 2003, which exhaustively chronicles the fires, the response, and the losses within the context of the history and fire environment of the interface fire problem. The problem was succinctly summarized in the report as "Wildfire and humanity are intertwined in the West. **Similar events will happen again.**"

² "The Story" page 7

³ "The Story" page 79

⁴ "The Story" page 98

⁵ "The Story" page 78

“The Story,” California Fire Siege 2003 is the basis of the
“Finding of Emergency” for these proposed emergency regulations.

Governor’s Blue Ribbon Fire Commission

Shortly after the completion of the “The Story,” then Governor Davis and Governor Schwarzenegger established the “Blue Ribbon Fire Commission” to examine and make recommendations on various operational, training and other matters. Along with those matters the Commission examined and made recommendations on the following:

- Updating the local building and planning regulations to include more stringent construction standards in threat zones
- Requirements for brush clearance and fuel modification, and land use planning techniques that protect property

The Commission made the following findings:

- The current minimum building standards and fire safety requirements are neither mandated nor consistently enforced in all communities Wildland-Urban Interface Fire Areas
- Most structural losses occurred where homes had little or no vegetation clearance or were built using combustible building materials, and were thus vulnerable to wildfires

The Commission made the following State recommendations:

- The SFM to continue to conduct fire research, including development of fire test protocols for vents, radiant heat exposure for windows and other applicable areas to improve the ignition resist construction techniques
- Sound, effective fire safety and fire prevention practices, including fire safe building standards and codes, realistic and coordinated fuel reduction programs and the commitment of communities to participate in prevention

The Governor’s “Blue Ribbon Fire Commission” report is the other foundation for these proposed emergency regulations. (This report is attached.)

“The Story” and the Governor’s “Blue Ribbon Fire Commission” report call for immediate action with the development of a systems approach designed to mitigate the loss of life and property resulting from a conflagration.

A new systems approach can not rely on fire department’s capabilities and their capacity to fight wildfires of these magnitudes. But it needs to examine the role of safe building construction codes, zoning requirements and vegetation management principles that further define the appropriate system in any Wildland-Urban Interface Fire Area. “Therefore a plan cannot be made to save houses and lives until there is an understanding of how they are being lost,” Vito Babrauskas, Ph.D.

The California Department of Forestry and Fire Protection and the Office of the State Fire Marshal worked with an advisory committee and together developed Phase 1 as the “grand opening” to this systems approach. This approach takes into consideration the “how they are being lost” by developing regulations for roofs, roofing assemblies, roof coverings, attic and eave vents. These features have long been identified as contributors to the vulnerability of buildings in Wildland-Urban Interface Fire Areas because they allow the intrusion of flame and burning embers projected by a vegetation fire into or through these weak points of the building.

CDF and the SFM are purposefully submitting these proposed regulations with a delayed effective date of December 1, 2005 for the following reasons:

- ✿ Having these regulations published in the 2001 California Building and Fire Codes ahead of their effectiveness gives the enforcing agency, public, design professionals and building industry concerns adequate time to prepare and acquaint themselves with the intent of these regulations.
- ✿ During this delayed effectiveness period CDF and the SFM will be providing training and education to the enforcing agencies, public, design professionals and building industry concerns regarding the scientific basis for the regulation’s intent. These interested parties will also become educated on how to identify and work comfortably with performance based construction alternatives in their communities.
- ✿ CDF and the SFM will have an opportunity to introduce the community to outside resources such as Fire Safe Council, Firewise, Fire Alliance and resources for Wildland-Urban Interface Fire grants.

- ✦ These regulations will not be enforceable in the 2005 fire season, but there will be a higher understanding that in the 2006 fire season any new building constructed in a Wildland-Urban Interface Fire Area will be designed and constructed with the intent of lessening the vulnerability of a building to resist the intrusion of flames and burning embers projected during a conflagration or wildfire.

The overall benefit to the building and fire officials, public and industry concerns will be a shared awareness of how a cooperative “*prevention*” viewpoint will change the future of California.

AUTHORITY AND REFERENCE

The CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code (H&SC) Section 18949.2 (a)

The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code section 13143, 13108.5 (a) and 18949.2 (b) (c) and Government Code section 51189 relating to building materials and construction methods used in a Wildland-Urban Interface Fire Area.

Authority:

- ✦ Health and Safety Code (H&SC) Sections 13143, 13108.5 (a) and 18949.2 (b) (c)
- ✦ Government Code (GC) Sections 51189 and 51182
- ✦ Public Resource Code Section 4291

Reference:

- ✦ Health and Safety Code (H&SC) Sections 13143, 13108.5 (a) and 18949.2 (b) (c)
- ✦ Government Code (GC) Sections 51176, 51177, 51178, 51179 and 51189, and Public Resource Code Sections 4201 through 4204 and 4291

INFORMATIVE DIGEST

Summary of Existing Laws

H&SC §13143 – Existing law requires the State Fire Marshal to prepare and adopt regulations establishing minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in any building or structure used or

intended for use as an asylum, jail, mental hospital, hospital, home for the elderly, children's nursery, children's home or institution, school, or any similar occupancy of any capacity, and in any assembly occupancy where 50 or more persons may gather.

H&SC §13108.5 (a) – Existing law requires the State Fire Marshal, in consultation with the Director of Forestry and Fire Protection and the Director of Housing and Community Development, shall, propose fire protection building standards for roofs, exterior walls, structure projections, including, but not limited to, porches, decks, balconies, and eaves, and structure openings, including, but not limited to, attic and eave vents and windows of buildings in fire hazard severity zones, including very high fire hazard severity zones designated by the Director of Forestry and Fire Protection.

(b) These building standards shall also apply to buildings located in very high fire hazard severity zones and other areas as designated by a local agency following a finding supported by substantial evidence in the record that the requirements of the building standards adopted pursuant to this Section are necessary for effective fire protection within the area.

(c) These building standards shall also apply to buildings located in urban wildland interface communities. A local agency may, at its discretion, include in or exclude from the requirements of these building standards any area in its jurisdiction following a finding supported by substantial evidence in the record at a public hearing that the requirements of these building standards are necessary or not necessary, respectively, for effective fire protection within the area. Changes made by a local agency to an urban wildland interface community area following a finding supported by substantial evidence in the record shall be final and shall not be rebuttable.

H&SC § 18949.2(b) – This law provides that the State Fire Marshal shall remain the state agency responsible for the developing building standards to implement the state's fire and life safety policy.

(c) This section of H&SC § 18949.2 provides that the state's fire and life safety building standards, as developed by the State Fire Marshal and adopted by the Commission, shall be continued to be based on the state's fire and life safety policy goals and mandates.

GC § 51176 – Existing law requires that public officials are to be able to identify measures to retard the rate of spread, and reduce the potential intensity, of uncontrolled fires that threaten to destroy resources, life, or property, and to require that those measures be taken in a very high fire hazard zone.

GC § 51177 – Existing law defines the terms used in various statutes regarding:

(a) "Director" means the Director of Forestry and Fire Protection.

(b) "Very high fire hazard severity zone" means an area designated by the director pursuant to Section 51178 that is not a state responsibility area.

(c) "Local agency" means a city, county, city and county, or district responsible for fire protection within a very high fire hazard severity zone.

(d) "Single specimen tree" means any live tree that stands alone in the landscape so as to be clear of buildings, structures, combustible vegetation, or other trees, and that does not form a means of rapidly transmitting fire from the native growth to any occupied dwelling or structure.

(e) "State responsibility areas" means those areas identified pursuant to Section 4102 of the Public Resources Code.

GC § 51178 – Existing law requires the director to identify areas in the state as very high fire hazard severity zones based on consistent statewide criteria and based on the severity of fire hazard that is expected to prevail in those areas. Very high fire hazard severity zones shall be based on fuel loading, slope, fire weather, and other relevant factors.

GC § 51179 – Existing law permits a local agency to designate, by ordinance, very high fire hazard severity zones in its jurisdiction within 120 days of receiving recommendations from the director pursuant to subdivisions (b) and (c) of Section 51178.

(b) A local agency may, at its discretion, exclude from the requirements of Section 51182 an area identified as a very high fire hazard severity zone by the director within the jurisdiction of the local agency, following a finding supported by substantial evidence in the record that the requirements of Section 51182 are not necessary for effective fire protection within the area.

(c) A local agency may, at its discretion, include areas within the jurisdiction of the local agency, not identified as very high fire hazard severity zones by the director, as very high fire hazard severity zones following a finding supported by substantial evidence in the record that the requirements of Section 51182 are necessary for effective fire protection within the area.

(d) Changes made by a local agency to the recommendations made by the director shall be final and shall not be rebuttable by the director.

(e) The State Fire Marshal shall prepare and adopt a model ordinance that provides for the establishment of very high fire hazard severity zones.

(f) Any ordinance adopted by a local agency pursuant to this Section that substantially conforms to the model ordinance of the State Fire Marshal shall be presumed to be in compliance with the requirements of this Section.

(g) A local agency shall post a notice at the office of the county recorder, county assessor, and county planning agency identifying the location of the map provided by the director pursuant to Section 51178. If the agency amends the map, pursuant to subdivision (b) or (c) of this Section, the notice shall instead identify the location of the amended map.

GC § 51182 (7) Prior to constructing a new dwelling or structure that will be occupied or rebuilding an occupied dwelling or occupied structure damaged by a fire in such zone, the construction or rebuilding of which requires a building permit, the owner shall obtain a certification from the local building official that the dwelling or structure, as proposed to be built, complies with all applicable state and local building standards, including those described in subdivision (b) of Section 51189, and shall provide a copy of the certification, upon request, to the insurer providing course of construction insurance coverage for the building or structure. Upon completion of the construction or rebuilding, the owner shall obtain from the local building official, a copy of the final inspection report that demonstrates that the dwelling or structure was constructed in compliance with all applicable state and local building standards, including those described in subdivision (b) of Section 51189, and shall provide a copy of the report, upon request, to the property insurance carrier that insures the dwelling or structure.

GC § 51189 – Existing law declares that space and structure defensibility is essential to effective fire prevention. This defensibility extends beyond the vegetation management practices required by this chapter, and includes, but is not limited to, measures that increase the likelihood of a structure to withstand intrusion by fire, such as building design and construction requirements that use fire resistant building materials, and provide protection of structure projections, including, but not limited to, porches, decks, balconies and eaves, and structure openings, including, but not limited to, attic and eave vents and windows.

(b) No later than January 1, 2005, the State Fire Marshal, in consultation with the Director of Forestry and Fire Protection and the Director of Housing and Community Development, shall, recommend building standards that provide for comprehensive space and structure defensibility to protect structures from fires spreading from adjacent structures or vegetation and vegetation from fires spreading from adjacent structures.

PRC §4201 - The classification of lands within state responsibility areas are to be in accordance with the severity of fire hazard present for the purpose of identifying measures to be taken to retard the rate of spreading and to reduce the potential intensity of uncontrolled fires that threaten to destroy resources, life, or property.

PRC § 4202. The director shall classify lands within state responsibility areas into fire hazard severity zones. Each zone shall embrace relatively homogeneous lands and shall be based on fuel loading, slope, fire weather, and other relevant factors present.

PRC § 4203. (a) The director shall, by regulation, designate fire hazard severity zones and assign to each zone a rating reflecting the degree of severity of fire hazard that is expected to prevail in the zone.

(b) No designation of a zone and assignment of a rating shall be adopted by the director until the proposed regulation has been transmitted to the board of supervisors of the county in which the zone is located at least 45 days prior to the adoption of the proposed regulation and a public hearing has been held in that county during that 45-day period.

PRC § 4204. The director shall periodically review zones designated and rated pursuant to this article and, as necessary, shall revise zones or their ratings or repeal the designation of zones. Any revision of a zone or its rating or any repeal of a zone shall conform to the requirements of Section 4203. In addition, the revision or repeal of a zone may be petitioned pursuant to Sections 11340.6 and 11340.7 of the Government Code.

PRC § 4291 (g). Prior to constructing a new building or structure or rebuilding a building or structure damaged by a fire in such an area, the construction or rebuilding of which requires a building permit, the owner shall obtain a certification from the local building official that the dwelling or structure, as proposed to be built, complies with all applicable state and local building standards, including those described in subdivision (b) of Section 51189 of the Government Code, and shall provide a copy of the certification, upon request, to the insurer providing course of construction insurance coverage for the building or structure.

Upon completion of the construction or rebuilding, the owner shall obtain from the local building official, a copy of the final inspection report that demonstrates that the dwelling or structure was constructed in compliance with all applicable state and local building standards, including those described in subdivision (b) of Section 51189 of the Government Code, and shall provide a copy of the report, upon request, to the property insurance carrier that insures the dwelling or structure.

Summary of Existing Regulations in the 2001 CBC

- **Chapter 1 – Administrative, Section 101 Title, Purpose and Scope, Section 101.14.17 SFM.** This existing section provides a listing of the SFM regulated occupancies with a reference to the enabling statutes.
 - **Chapter 7A – Materials and Construction for Exterior Wildfire Exposure, Section 701A.1 Scope.** This existing section, as approved by the Commission on May 18, 2005 under emergency rulemaking action, specifically addresses the minimum standards for building materials, systems and or assemblies used in the exterior design of new buildings located in a Wildland-Urban Interface Fire Area.
 - **Chapter 35 – Uniform Building Code Standards –** This existing Chapter provides references and information specific to the nationally recognized standards regarding the design, construction and quality of materials of buildings and structures. This Chapter also denotes the standards adopted by reference by the State Fire Marshal.
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Summary of Existing Regulations in the 2001 California Referenced Standards Code, Part 12

- **Chapter 12-7 –** This Chapter provides standards relating Fire-Resistive Standards.
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Summary of Effect to the 2001 CBC

- **Chapter 1 – Administrative, Section 101 Title, Purpose and Scope, Section 101.14.17 SFM.** The SFM is adding Wildland-Urban Interface Fire Area and the applicable statutes to the listing of SFM regulated occupancies.
 - **Effect:** By this amendment a code user and the enforcing agency will be able to determine that the SFM has the statutory authority over building standards relating to the exterior design and construction of new roofs, roof coverings, roof assemblies, attic, eave and cornice vents in any Wildland-Urban Interface Fire Area.
 - **Section 701A Scope, Purpose and Application.** The SFM is proposing a new section that specifically requires that on or after January 1, 2008 any new application for a building permit is submitted, that is located in any Fire Hazard Severity Zone shall be subject to the requirements of this Chapter.
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- **Effect:** By this amendment a code user and the enforcing agency will learn that the regulations for the exterior design and construction of new roofs, roof coverings, roof assemblies, attic, eave and cornice vents in any Wildland-Urban Interface Fire Area shall be enforced on or after December 1, 2005.
- **Section 702A, Definitions.** Within Chapter 7A, a definitions section has been established for commonly used terms relating to the Wildland-Urban Interface Fire Areas.
- **Effect:** By this amendment a code user and the enforcing agency will learn that the term “Ignition-Resistant Material” is any product that when tested shall be done so in accordance with UBC Standard 8-1 and other criteria as referenced. This proposed definition will help the code user and the enforcing agency to understand the intent of what “Ignition-Resistant Material” is and how to comply with its criteria.
- **Section 703A – Standards of Quality.** This section has been established for the listing of standards that specifically address materials, systems and methods of construction permitted in Wildland-Urban Interface Fire Areas.
- **Effect:** By this amendment a code user and the enforcing agency will learn that this section identifies the referenced standards for the exterior design, materials and construction methods of new buildings in Wildland-Urban Interface Fire Areas. The code user and the enforcing agency will also learn that these standards are located in the 2001 CBC, Chapter 35 and in Part 12, Chapter 12-7A.
- **Section 703A.1 – General and 703A.2 – Qualification by Testing.** These sections specifically address the testing of material and material assemblies permitted in Wildland-Urban Interface Fire Areas. This section requires that the tests shall be performed by a testing agency approved by the State Fire Marshal or identified by an ICC-ES/ICBO-ES report.
- **Effect:** By this amendment a code user and the enforcing agency will learn that any material and material assemblies that are tested in accordance with this Chapter must be performed by a testing agency that is approved by the State Fire Marshal.

- **Section 703A.3 Standards of Quality.** The SFM is proposing a section that specifically addresses the State Fire Marshal's adopted test standards for materials and material assemblies that to be used for new buildings in Wildland-Urban Interface Fire Areas.

- **Effect:** By this amendment a code user and the enforcing agency will learn that the materials and material assemblies that are permitted for new buildings in Wildland-Urban Interface Fire Areas must be approved by the State Fire Marshal. The standards listed below provide testing criteria for how the tests of a material and material assembly are to be conducted:

SFM 12-7A-1, Exterior Wall Siding and Sheathing
SFM 12-7A-2, Exterior Window
SFM 12-7A-3, Under Eave
SFM 12-7A-4, Decking

And that the standards are located in the 2001 CBC, Chapter 35 and in Part 12, Chapter 12-7A.

- **Section 704A Materials, Systems and Methods of Construction, 704A.2.3 Eave Protection.** The SFM is proposing a section that addresses the materials and material assemblies of eaves and soffits in Wildland-Urban Interface Fire Areas.

- **Effect:** By this amendment a code user and the enforcing agency will learn that the materials and material assemblies of eaves and soffits permitted in Wildland-Urban Interface Fire Areas shall be of ignition-resistant or noncombustible construction on the exposed underside of the eave and soffit.

The State Fire Marshal's proposed standard for the testing of the underside of the eave and soffit is SFM 12-7A-3. And that this standard is located in the 2001 CBC, Chapter 35 and in Part 12, Chapter 12-7A.

- **Section 704A.3 Exterior Walls, 704A.3.1 General and 704A.3.2 Exterior Wall Coverings.** The SFM is proposing a section that specifically addresses the materials and material assemblies of exterior walls that are permitted in Wildland-Urban Interface Fire Areas.

- **Effect:** By these amendments a code user and the enforcing agency will learn that exterior walls shall be approved non-combustible or ignition-resistant material, heavy timber, or log wall construction. And that exterior wall covering shall extend from the top of the foundation to the roof and that

rafters at all roof overhangs, or in the case of enclosed eaves shall terminate at the enclosure.

And that the standard for this requirement is located in the 2001 CBC, Chapter 35 and in Part 12, Chapter 12-7A.

➤ **Section 704A.3.2.1 Exterior Wall Vents, 704A.3.2.2 Exterior Glazing and Window Walls.** The SFM is proposing a section that specifically addresses the materials and material assemblies of exterior walls that are permitted in Wildland-Urban Interface Fire Areas.

- **Effect:** By these amendments a code user and the enforcing agency will learn that vent openings in exterior walls shall resist the intrusion of flame and embers into the structure or vents shall be screened with a corrosion-resistant, non-combustible ¼ inch wire mesh. And that the standard for this requirement is located in the 2001 CBC, Chapter 35 and in Part 12, Chapter 12-7A.

➤ **Section 704A.3.2.3 Exterior Door Assemblies.** The SFM is proposing a section that specifically addresses the materials and material assemblies of exterior doors that are permitted in Wildland-Urban Interface Fire Areas.

- **Effect:** By these amendments a code user and the enforcing agency will learn that exterior door assemblies shall conform to the performance requirements of standard SFM 12-7A-1 or shall be of approved non-combustible construction, or solid core wood or shall have a fire resistance rating of not less than 20-minutes when tested according to ASTM E 2074.

This section exempts noncombustible or exterior fire retardant treated wood vehicle access doors from the requirements of this Chapter. And that the standard for this requirement is located in the 2001 CBC, Chapter 35 and in Part 12, Chapter 12-7A.

➤ **Section 704A.4 Decking, Floors and Underfloor Protection, 704A.4.1.1 Decking Surfaces.** The SFM is proposing a section that specifically addresses the materials and material assemblies of decking, surfaces, stair treads, risers, and landings of decks, porches, & balconies permitted in Wildland-Urban Interface Fire Areas.

- **Effect:** By this amendment a code user and the enforcing agency will learn that decking, surfaces, stair treads, risers, and landings of decks, porches, &

balconies shall be constructed of Ignition Resistant Materials, or constructed with heavy timber, exterior fire retardant treated wood or approved non-combustible materials or pass the performance requirements of SFM 12-7A-5, Part A, 12-7A-5.7.5, 1 only.

Walls are not required to comply with this sub-section if the decking surface material conforms to ASTM E-84 Class B flame spread standard.

- **Section 704A.4 Decking, Floors and Underfloor Protection, 704A.4.2 Underfloor and Appendages Protection, 704A.4.2.1 Underside of Appendages and Floor Projections.** The SFM is proposing a section that specifically addresses the materials and material assemblies of the underside of cantilevered and overhanging appendages and floor projections permitted in Wildland-Urban Interface Fire Areas.

Effect: By this amendment a code user and the enforcing agency will learn that the underside of cantilevered and overhanging appendages and floor projections shall maintain the ignition-resistant integrity of exterior walls, or the projection shall be enclosed to the grade. The SFM proposed standard for decking is SFM 12-7A-4.

And that the standard for this requirement is located in the 2001 CBC, Chapter 35 and in Part 12, Chapter 12-7A.

- **Section 704A.4.2 Unenclosed Underfloor Protection.** The SFM is proposing a section that specifically addresses the materials and material assemblies of the underfloor areas permitted in Wildland-Urban Interface Fire Areas.

Effect: By this amendment a code user and the enforcing agency will learn that the underfloor areas shall be enclosed to the grade with exterior walls. The undersides of all exposed floors, exposed structural columns, beams and supporting walls that are protected with exterior ignition-resistant material construction or constructed of heavy timber are not required to be enclosed to grade.

- **Section 705A Ancillary Buildings and Structures, 705A.1 Ancillary Buildings and Structures** The SFM is proposing a section that specifically addresses the materials and material assemblies of ancillary buildings and structures permitted in Wildland-Urban Interface Fire Areas.

- **Effect:** By this amendment a code user and the enforcing agency will learn that when required by the enforcing agency ancillary buildings and structures

and detached accessory structures shall comply with the provisions of this Chapter.

➤ **Chapter 35, Section 3504 Recognized Standards.** The SFM is proposing to add the national recognized standards that specifically address the materials and material assemblies for new buildings permitted in Wildland-Urban Interface Fire Areas.

- **Effect:** By this amendment a code user and the enforcing agency will learn that the nationally recognized standards that are referenced in Chapter 7A are located in Chapter 35 under Part II, UBC standards.

**Summary of Effect to the 2001 CALIFORNIA REFERENCED
STANDARDS CODE (CRSC), PART 12**

➤ **Chapter 12-7A, Materials and Construction Methods for Exterior Wildfire Exposure, Standard 12-7A-1 Exterior wall Siding and Sheathing.** The SFM is proposing to add a standard to Part 12 to specifically address the testing of materials and material assemblies for exterior wall siding and sheathing permitted in Wildland-Urban Interface Fire Areas.

- **Effect:** By this amendment a code user and the enforcing agency will learn that compliance with this standard is required in order for a material and material assembly to be permitted in Wildland-Urban Interface Fire Areas it must meet the intent of the SFM standard. This standard describes how the test is to be conducted.

This standard will aid the code user and enforcer in determining whether or not a material and material assembly method complies with the intent of the standard.

➤ **Chapter 12-7A, Materials and Construction Methods for Exterior Wildfire Exposure, Standard 12-7A-2 Exterior Window.** The SFM is proposing to add a standard to Part 12 to specifically address the testing of materials and material assemblies for exterior windows permitted in Wildland-Urban Interface Fire Areas.

- **Effect:** By this amendment a code user and the enforcing agency will learn that compliance with this standard is required in order for a material and material assembly to be permitted in Wildland-Urban Interface Fire Areas it must meet the intent of the SFM standard. This standard describes how the test is to be conducted.

This standard will aid the code user and enforcer in determining whether or not a material and material assembly method complies with the intent of the standard.

➤ **Chapter 12-7A, Materials and Construction Methods for Exterior Wildfire Exposure, Standard 12-7A-3 Under Eave.** The SFM is proposing to add a standard to Part 12 to specifically address the testing of materials and material assemblies for under eave construction permitted in Wildland-Urban Interface Fire Areas.

- **Effect:** By this amendment a code user and the enforcing agency will learn that compliance with this standard is required in order for a material and material assembly to be permitted in Wildland-Urban Interface Fire Areas it must meet the intent of the SFM standard. This standard describes how the test is to be conducted.

This standard will aid the code user and enforcer in determining whether or not a material and material assembly method complies with the intent of the standard.

➤ **Chapter 12-7A, Materials and Construction Methods for Exterior Wildfire Exposure, Standard 12-7A-4 Decking.** The SFM is proposing to add a standard to Part 12 to specifically address the testing of materials and material assemblies for decking surfaces permitted in Wildland-Urban Interface Fire Areas.

- **Effect:** By this amendment a code user and the enforcing agency will learn that compliance with this standard is required in order for a material and material assembly to be permitted in Wildland-Urban Interface Fire Areas it must meet the intent of the SFM standard. This standard describes how the test is to be conducted.

This standard will aid the code user and enforcer in determining whether or not a material and material assembly method complies with the intent of the standard.

Comparable Federal Statute or Regulation

The SFM has determined that there are not comparable federal regulations or statutes addressing the building material's ignitability, construction methods and vegetation management for such matters Federal lands in Wildland-Urban Interface Fire Areas.

However, the agencies shown below have developed extensive studies, reports, models, etc. that are presented to states for support and substantiation of that states Wildland-Urban Interface Fire Area's matters:

- ☛ Bureau of Land Management, Department of the Interior
- ☛ United States Department of Agriculture, Forest Service
- ☛ Department of the Interior
- ☛ One Hundred and Eighth Congress of the United States, Healthy Forest Restoration Act

Cost Impact on Private Person or Business

The SFM is aware that there may be cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Initial Determination of No Significant Statewide Adverse Economic Impact on Businesses

The initial determination of the SFM is that the proposed regulatory action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Policy Statement Overview

The broad objective of these proposed emergency regulations are to establish minimum standards for materials and material assemblies and provide a reasonable level of exterior wildfire exposure protection for buildings in Wildland-Urban Interface Fire Areas. The use of Ignition Resistant Materials and design to resist the intrusion of flame or burning embers projected by a vegetation fire (wildfire exposure) will prove to be the most prudent effort California has made to try and mitigate the losses resulting from our repeating cycle of interface fire disasters.

The specific objective of these regulations is to establish a systematic approach to reducing the loss of lives and fire fighters, the built environment and natural resources in Wildland-Urban Interface Fire Areas in the event of a conflagration.

MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

The SFM has determined that there are no other matters prescribed by statute applicable to the agency or to any specific regulation or class of regulation.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The SFM has determined that the proposed regulatory action would not impose a mandate on local agencies or public school districts.

FISCAL IMPACT STATEMENT (attached Form 399)

- A. Cost or Savings to any state agency: **No**
- B. Cost to any local agency required to be reimbursed under Part 7(commencing with Section 17500) of Division 4: **No**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No**
- D. Other non-discretionary cost or savings imposed on local agencies: **No**
- E. Cost or savings in federal funding to the state: **No**